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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,965	03/19/2002	Yuji Kamura	1095.1214	5500
21171	7590	09/20/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			WANG, LEMING	
			ART UNIT	PAPER NUMBER
			2638	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/099,965

Applicant(s)

KAMURA, YUJI

Examiner

Leming Wang

Art Unit

2638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by *Maroney* (US Patent No: 6,681,079)

Regarding claim 7, *Maroney* teaches a transmission system performing optical transmission, comprising: a first repeater (For example, the two-amplifier site 5 on the left side of bidirectional fiber link 2<sub>1</sub>-2<sub>2</sub>, Fig.1) and a second repeater (For example, the another two-amplifier site 5 on the right side of bidirectional fiber link 2<sub>1</sub>-2<sub>2</sub>, Fig.1), wherein the first and second repeaters are optically connected by a first optical transmission line (The upper fiber 2<sub>1</sub> of the fiber link 2<sub>1</sub>-2<sub>2</sub>, Fig.1) transmitting a first optical main signal from the first repeater to the second repeater ( ), and a second optical transmission line (The bottom fiber 2<sub>2</sub> of the fiber link 2<sub>1</sub>-2<sub>2</sub>, Fig.1) transmitting a second optical main signal from the second repeater to the first repeater (The optical signal transmitted in the upper and bottom fiber in bi-directions as indicated by respective arrow, Fig.1), wherein the second repeater transmits a first pump light to the first repeater along the first optical transmission line (Each amplifier stage is shown in

detail by 10, Fig.2, Col.3, lines 6-9), wherein the first repeater transmits a second pump light to the second repeater along the second optical transmission line (Each amplifier stage is shown in detail by 10, Fig.2, Col.3, lines 6-9), wherein the first repeater includes a first optical amplifier amplifying the first optical main signal (15, Fig.2, Col.3, lines 5-6) and a first fault occurrence recognizing part (17 and 20, Fig.2), wherein the second repeater includes a second optical amplifier (15, Fig.2, Col.3, lines 5-6) amplifying the second optical main signal and a second fault occurrence recognizing part (17 and 20, Fig.2) , wherein, when the first fault occurrence recognizing pad recognizes a level of the first pump light below a predetermined threshold level of the first pump light (Col.4, lines 4-13, and , Col.3, lines 65-66), the first fault occurrence recognizing pad prevents only the first amplifier from amplifying the first optical main signal (Col.3, lines 38-45), and wherein, when the second fault occurrence recognizing part recognizes a level of the second pump light below a predetermined threshold level of the second pump light (Col.4, lines 4-13, and Col.3, lines 65-66), the second fault occurrence recognizing pad prevents only the second amplifier from amplifying the second optical main signal (Col.3, lines 38-45).

Regarding claim 8, *Maroney* teaches each of the first and second pump lights is a Raman pump light sent by a Raman amplifier (For example, Col.3, lines 5-6).

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leming Wang whose telephone number is 571 272 3030. The examiner can normally be reached on 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571 272 3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leming wang  
9/15/2005



**KENNETH VANDERPUYE**  
**PRIMARY EXAMINER**